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SENATE BILL 3

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO ELECTIONS; CLARIFYING THE METHOD OF PLACING NAMES  
ON PRIMARY ELECTION BALLOTS FOR CANDIDATES FOR COUNTY OFFICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-8-21 NMSA 1978 (being Laws 1996,  
Chapter 20, Section 3) is amended to read:

"1-8-21. PRIMARY ELECTION--METHODS OF PLACING NAMES ON  
PRIMARY BALLOT.--

A. All candidates seeking primary election  
nomination to a statewide office or the office of United States  
representative shall file declarations of candidacy with the  
proper filing officer. Candidates shall file nominating  
petitions at the time of filing their declarations of  
candidacy. Candidates who seek, but do not obtain, preprimary  
convention designation by a major political party may file new

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1 declarations of candidacy and nominating petitions pursuant to  
2 Section 1-8-33 NMSA 1978.

3 ~~[B. Candidates for any other office shall have~~  
4 ~~their names placed on the primary election ballot by filing~~  
5 ~~declarations of candidacy and nominating petitions with the~~  
6 ~~proper filing officer. Candidates for county office shall also~~  
7 ~~pay filing fees or file the proper paupers' statements at the~~  
8 ~~time of filing declarations of candidacy.]~~

9 B. Except as provided in Subsection C of this  
10 section, candidates for any other office shall have their names  
11 placed on the primary election ballot by filing declarations of  
12 candidacy and nominating petitions with the proper filing  
13 officer.

14 C. Candidates for county office shall have their  
15 names placed on the primary election ballot by filing  
16 declarations of candidacy and paying filing fees or filing the  
17 proper paupers' statements at the time of filing declarations  
18 of candidacy with the proper filing officer."

19 Section 2. Section 1-8-26 NMSA 1978 (being Laws 1975,  
20 Chapter 295, Section 12, as amended) is amended to read:

21 "1-8-26. PRIMARY ELECTION LAW--TIME OF FILING--DOCUMENTS  
22 NECESSARY TO QUALIFY FOR BALLOT--CHALLENGE.--

23 A. Declarations of candidacy by preprimary  
24 convention designation for any statewide office or for the  
25 office of United States representative and declarations of

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1 candidacy for retention of a justice of the supreme court or  
2 judge of the court of appeals shall be filed with the proper  
3 filing officer on the second Tuesday in February of each even-  
4 numbered year between the hours of 9:00 a.m. and 5:00 p.m.

5 B. Declarations of candidacy for any other office  
6 and declarations of candidacy for retention for all affected  
7 district judicial offices shall be filed with the proper filing  
8 officer on the third Tuesday of March of each even-numbered  
9 year between the hours of 9:00 a.m. and 5:00 p.m.

10 C. Certificates of designation shall be submitted  
11 to the secretary of state on the first Tuesday following the  
12 preprimary convention at which the candidate's designation took  
13 place between the hours of 9:00 a.m. and 5:00 p.m.

14 D. No candidate's name shall be placed on the  
15 ballot until the candidate has been notified in writing by the  
16 proper filing officer that the declaration of candidacy, the  
17 petition, if required, and the certificate of registration of  
18 the candidate on file are in proper order and that the  
19 candidate, based on those documents, is qualified to have [~~his~~]  
20 the candidate's name placed on the ballot. The proper filing  
21 officer shall mail the notice no later than 5:00 p.m. on the  
22 Tuesday following the filing date.

23 E. If a candidate is notified by the proper filing  
24 officer that [~~he~~] the candidate is not qualified to have [~~his~~]  
25 the candidate's name appear on the ballot, the candidate may

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1 challenge that decision by filing a petition with the district  
2 court within ten days of the notification. The district court  
3 shall hear and render a decision on the matter within ten days  
4 after the petition is filed."

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